

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CASE NO. 5:16-cv-00298-BO**

GARY and ANNE CHILDRESS, RUSSELL)
and SUZANNAH HO, and MICHAEL)
CLIFFORD *on behalf of themselves and*)
others similarly situated,)

Plaintiffs,)

v.)

JP MORGAN CHASE & CO., JP)
MORGAN CHASE BANK, N.A., CHASE)
BANK USA, N.A. and CHASE)
BANKCARD SERVICES, INC.,)

Defendants.)

**JOINT MOTION TO CLARIFY THE
COURT’S JUNE 29, 2017 ORDER**

NOW COME Plaintiffs Gary and Anne Childress, Russell and Suzannah Ho, and Michael Clifford (“Plaintiffs”) and Defendants JP Morgan Chase & Co, JP Morgan Chase Bank, N.A., Chase Bank USA, N.A. and Chase Bankcard Services, Inc. (“Defendants”), by and through undersigned counsel, and hereby submit this Joint Motion to Clarify the Court’s June 29, 2017 Order. (DE 65).

The Court’s Order states that Plaintiffs’ motion for extension is granted and that fact discovery shall close on February 11, 2018. However, the Order fails to reflect that this discovery cutoff applies only to fact discovery on class certification and liability. Additionally, the Order sets the close of expert discovery for March 25, 2018, which is six weeks after the close of fact discovery. The Court’s previous scheduling Order, issued on October 11, 2016, provided two additional months to allow for rebuttal experts and depositions.

Plaintiffs’ motion for extension (DE 43) and Defendants’ consent to the same (DE 64) both requested that the extended discovery cutoff be limited to fact discovery on class certification and

liability, but not to damages. Classwide damages discovery, if any, cannot be completed by the February 11, 2018 deadline.

Plaintiffs and Defendants jointly request that the Court clarify its order to state that the discovery cutoff applies only to fact discovery on class certification and liability. The granted motion proposed that by July 31, 2018, the parties would participate in a status conference and provide a joint status report to establish a damages discovery plan. (DE 43).

Plaintiffs and Defendants also jointly request that the Court set the close of expert discovery on liability and class certification for May 25, 2018, with reports from retained experts on liability and class certification due March 26, 2018, and rebuttal expert reports on those subjects due April 25, 2018.

Respectfully submitted, this the 7th day of July, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Joint Motion for Clarification of the Court's June 29, 2017 Order** has been electronically filed with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to the following:

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This the 7th day of July, 2017.

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